



**AMERICAN CONSULATE GENERAL
Rio de Janeiro**

General Information

Anyone intending to immigrate to the United States must be the beneficiary of an approved petition. The immigrant visa law states that any intending immigrant must qualify into one of the two general categories below:

1- Those who may obtain legal permanent residence status without annual numerical limitation.

- A. *Immediate Relatives of U.S. Citizens (IR1/IR2/IR5):*** The spouse and minor children of a U.S. Citizen, and the parents of a United States citizen who is over the age of twenty-one (the U.S. citizen relative must file an I-130 petition on behalf of each applicant with the nearest Bureau of Citizenship and Immigration Services (BCIS/DHS – former INS) in the U.S. In some cases, if the petitioner is residing abroad, he/she may file the petition at the nearest U.S. consular officer at an U.S. Embassy or Consulate);
- B. *Returning Residents (SB):*** Immigrants who lived in the United States previously as lawful permanent residents and are returning to live in the United States after a temporary visit of more than one year abroad (Persons who believe are entitled to immigrant status under this category may petition on their behalf – form DS-117 - with the nearest U.S. consular officer at an U.S. Embassy or Consulate);
- C. *Widow/Widower of a U.S. Citizen (IW):*** Widow/widower and minor children of a now deceased U.S. citizen to whom was married for at least two years, and the U.S. citizen spouse's death should have happened less than two years ago (Persons who believe are entitled to immigrant status under this category may petition on their behalf – form I-360 - with the nearest Bureau of Citizenship and Immigration Services (BCIS/DHS – former INS) or with the nearest U.S. consular officer at an U.S. Embassy or Consulate).

2- Those who are restricted by annual limitation on the number of persons who may enter as permanent residents.

There is an annual numerical limitation for each category of immigrant visa described below. There are limits on various sub-preferences, as well as limits on the number of immigrant visas per year, which can be issued to natives of any single country. Some of these numerical limits are based on formulas, which change in relationship to each other, so that it is not possible to state a specific figure for each sub-category.

Whenever there are more qualified applicants for a category than there are available numbers, the category will be considered oversubscribed, and immigrant visas will be issued in the chronological order in which the petitions were filed until the numerical limit for the category is reached. The filing date of a petition becomes the applicant's priority date is reached. In certain heavily oversubscribed categories, there may be a waiting period of several years before a priority date is reached.

- A. ***Family sponsored immigrants*** - The U.S. citizen or Legal Permanent Resident relative must file an I-130 petition on behalf of the applicant with the nearest Bureau of Citizenship and Immigration Services (BCIS/DHS – former INS);
- a. *First Preference* (F1): Unmarried sons and daughters of U.S. citizens, and children if any.
 - b. *Second Preference* (F2A): Spouses, children and (F2B) unmarried sons and daughters of lawful permanent resident alien.
 - c. *Third Preference* (F3): Married sons and daughters of U.S. citizens, and their spouses and children.
 - d. *Fourth Preference* (F4): Brothers and sisters of U.S. citizens, and their spouses and children (provided the U.S. citizens are 21 years of age or over).

B. *Employment based immigrant;*

- a. Priority Workers (E1): Persons of extraordinary ability in the sciences, arts, education, business or athletics; outstanding professors and researchers; and certain multinational executives and managers;
- b. Members of the Professions (E2): Professionals holding advanced degrees, and persons of exceptional ability in the sciences, arts, and business;
- c. Professionals, Skilled (E3): Professionals holding baccalaureate degrees, skilled workers with at least two years experience, and other workers whose skills are in shortage in the U.S. ;

Unskilled Workers (EW): Unskilled workers are subject to a sub-limit number availability.

Note: Applicants for employment-based immigrant visas that believe are entitled to immigrant status based on proposed employment in the U.S., require an approved I-140 petition from the INS in the U.S. Priority workers may petition on their behalf with INS while others must have their prospective employers file the petitions. Prior to filing a petition with INS, applicants for employment-based petitions as members of the professions, professionals, skilled and unskilled workers, must obtain certifications from the Department of Labor that there are no qualified workers available for the proposed employment in the U.S.

- d. Special Immigrants (E4): Certain religious workers and ministers of religion, certain international organization employees of the U.S. government (Special Immigrants must have form I-360 filed on their behalf);
- e. Investors (I5): Persons who create employment for at least ten unrelated persons by investing capital in a new commercial enterprise in the U.S. The minimum amount of capital required is between US\$ 500.00 and US\$ 1,000,000.00, depending on the employment rate in the geographic area (An investor must file form I-526 with nearest Bureau of Citizenship and Immigration Services - BCIS/DHS – former INS);

- C. **Diversity immigrants:** (DV) 55,000 Immigrant visas are available annually to natives of foreign states which the U.S. Attorney General has determined to have a previous low ratio of immigrants admitted under the other sections of the immigration law. Such immigrants will be identified by random selection each year by the Secretary of State from among persons who submit applications during a specified period. Applicants for diversity immigrant status must have a high school education or two years of recent work experience in a skilled job.

Provisions for submission of registration applications will be announced by the Department of State in advance of each year's application period. Only on such application may be filed each year. Aliens who qualify through random selection must apply for and receive their visas within one year of selection.

Important notice: Please be aware that the U.S. Government's Diversity Visa (DV) or "Visa Lottery" is administered only by the National Visa Center, 32 Rochester Avenue, Portsmouth, New Hampshire, USA. There is no initial application fee for the Diversity Visa application. All notifications are from the National Visa Center in New Hampshire.

A number of firms giving the semblance of being entities of the U.S. Government are contacting individuals in this region in connection with the Diversity Visa. Although applicants are free to appoint and pay for an agent, they should guard against unreasonable fees, (false) guarantees of a better chance of winning the lottery, or demands for another round of previously undisclosed fees in order to receive lottery results. The selection of winners is made at random and no outside service can improve an applicant's chances of being chosen or guarantee that an entry will win.